

ENTERED

June 07, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

FERNANDO LOPEZ,

Petitioner,
VS.

BOBBY LUMPKIN,

Respondent.

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CIVIL ACTION NO. 2:21-CV-38

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Before the Court is Magistrate Judge Julie Hampton's Memorandum and Recommendation (M&R). (D.E. 9). The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. Petitioner filed objections to the M&R. (D.E. 10). Having carefully reviewed the proposed findings and conclusions of the M&R, the record, the applicable law, and having made a de novo review of the portions of the M&R to which the Petitioner's objections were directed, 28 U.S.C. § 636(b)(1), the Court **OVERRULES** Petitioner's objections (D.E. 10). Accordingly:

- (1) The Court **ADOPTS** the M&R in its entirety. (D.E. 9).
- (2) The Court **ORDERS** that Petitioner's petition filed pursuant to 28 U.S.C. § 2254 (D.E. 1) is **DISMISSED with prejudice** pursuant to the screening provisions in Rule 4 of the Rules Governing Section 2254 Cases. *See* RULE 4 § 2254, RULES GOVERNING SECTION 2254 & SECTION 2255 PROCEEDINGS FOR THE UNITED STATES DISTRICT COURTS. It is plain from the petition and attached exhibits that Petitioner is not entitled to relief.

A Final Judgment will be entered separately following this order.

SO ORDERED.



DAVID S. MORALES
UNITED STATES DISTRICT JUDGE

Dated: Corpus Christi, Texas
June 7, 2021